

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
JOHN SELTZER, *et al.*,

Plaintiffs,

v.

CLARK ASSOCIATES LLC, *et al.*,

Defendants.
----- X

**ORDER GRANTING LEAVE
TO AMEND COMPLAINT**

20 Civ. 4685 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiffs in their opposition brief (ECF No. 35) request leave to amend their Amended Complaint (ECF No. 9) and filed a second amended complaint, labeled as the “First Amended Complaint,” on the docket (ECF No. 35). Plaintiff’s motion for leave to amend is hereby granted, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, without prejudice to Defendants’ defenses or ability to raise additional defenses in response to the amendment. *See* Fed. R. Civ. P. 15(a). The second amended complaint (ECF No. 34) is hereby deemed the operative complaint for motion to dismiss purposes.

SO ORDERED.

Dated: New York, New York
January 29, 2021

_____/s/_____
ALVIN K. HELLERSTEIN
United States District Judge